

**REMARKS**

By this amendment, claims 83, 88, 89, 94, 117, 123, 152, 153, 155, and 158 have been amended, claims 87, 99, 101-103, 105-109, 113, 116, 119-122, 126, 128-130, 133-136, 140-141, 154, 157, 159-160, and 164-179 have been cancelled without prejudice or disclaimer, and claims 180-247 have been added. Accordingly, claims 83, 88-94, 96, 97, 117, 123-124, 152-153, 155-156, 158, 161-163, and 180-247 are currently pending in the application, of which claims 83, 117, 152, 161, 180, 200, 220, 223, 229, 233, 237, 240, and 243 are independent claims.

Applicants appreciate the indication that claims 161-163 are allowed. Applicants also appreciate the indication that claims 87-94, 96, 97, 122-124, and 154-158 contain allowable subject matter if rewritten in independent form.

Applicants respectfully submit that the above amendments do not add new matter to the application and are fully supported by the specification. Support for the amendments and added claims may be found at least in Figure 7 and at page 16, line 11 to page 17, line 18 of the specification.

In view of the above Amendments and following Remarks, Applicants respectfully request reconsideration and timely withdrawal of the pending objections and rejections for the reasons discussed below.

***Interview Summary***

Applicants thank the Examiner for the Examiner Interview conducted on March 1, 2006 for the purpose of clarifying the Office Action. During the interview, the motivation for combining the cited references, specifically Ovesjo and Dohi (as defined below), was discussed and clarified. Secondary factors of non-obviousness were also discussed.

***Claim Objection***

Applicants thank the Examiner for the indication that claims 87-94, 96, 97, 122-124, and 154-158 contain allowable subject matter. Specifically, these claims were objected to as being dependent upon a rejected base claim, but allowable if rewritten in independent form.

The limitations of these claims have been added to the independent claims from which these claims respectively depend. For example, the limitations of claim 87 and claim 86, from which claim 87 depends, have been added to claim 83, from which claim 86 depends. Accordingly, claim 83 now includes all limitations of claim 87 in independent form. Thus, claim 87 has been cancelled. Similarly, claim 117 has been amended to include all limitations of claim 122 in independent form, claim 152 includes all limitations of claim 154, and claim 153 includes all limitations of claim 157. Thus, claims 122, 154 and 157 have been cancelled. Therefore, Applicants believe that these objected-to claims are allowable for being rewritten in independent form. Accordingly, Applicants respectfully request withdrawal of the objection for claims 87-94, 96, 97, 122-124, and 154-158.

***Rejections Under 35 U.S.C. § 103***

Claims 83, 86, 99, 101-109, 113, 116, 117, 119-121, 126, 128-130, 133-136, 141, 152, 153, 159-160, and 164-179 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U. S. Patent No. 6,108,369 issued to Ovesjo, *et al.* ("Ovesjo") in view of U. S. Patent No. 5,638,362 issued to Dohi, *et al.* ("Dohi") further in view of U. S. Patent No. 6,009,091 issued to Stewart, *et al.* ("Stewart").

Because claims 86, 99, 101-109, 113, 116, 119-121, 126, 128-130, 133-136, 141, 159-160, and 164-179 have been cancelled, Applicants respectfully submit that the rejection of these claims has been rendered moot.

As described above, Applicants submit that claims 83, 117, 152 and 153 are allowable for being amended to include limitations from allowable dependent claims. Since none of the other prior art of record, whether taken alone or in any combination, discloses or suggests all the features of claims 83, 117, 152 or 153 as amended, Applicants respectfully submit that independent claims 83, 117, 152, and 153 and all claims that depend therefrom are allowable.

### ***New Claims***

New claims 180-247 are directed to features of the invention described in Figure 7 and at page 16, line 11 to page 17, line 18 of the specification. These features are not disclosed or suggested in the cited art of record. Specifically, none of the cited references disclose the spreading of data and control channels with the orthogonal variable spreading factor codes assigned to channels in the order claimed in these new claims.

For example, claim 180 recites, *inter alia*, a spreading method for a mobile station comprising “spreading a first one of the data channels [and a second one of the data channels] by  $C_{4,1}$ ” and “spreading a third one of the data channels by  $C_{4,3}$ .” Neither Ovesjo, Dohi, Stewart, or a combination thereof teach this application of specified orthogonal variable spreading factor codes to data channels. The method claimed in claims 200 and 243 contains similar limitations as claim 180, as does the apparatus claimed in independent claims 220, 223, 229, 233, 237, and 240. Therefore, since none of the cited references, whether taken alone or in any combination, discloses or suggests all the features of these new claims, Applicants respectfully submit that

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independent claims 180, 200, 220, 223, 229, 233, 237, 240, 243, and all claims that depend

therefrom are allowable.

**CONCLUSION**

Applicants believe that a full and complete response has been made to the pending Office Action and respectfully submit that all of the stated objections and grounds for rejection have been overcome or rendered moot. Accordingly, Applicants respectfully submit that all pending claims are allowable and that the application is in condition for allowance. Further, Applicants respectfully submit that all new claims contain no new matter and are allowable.

Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact the Applicants' undersigned representative at the number below to expedite prosecution.

Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,



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Date: March 30, 2006

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